

May-19-2003 03:00pm From-BURR AND BROWN

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## FAX Transmission Sheet

May 19, 2003

To: Examiner Jaydi A. Aguirrechea Fax No. (703) 872-9318  
From: Stephen P. Burr Fax No. (315) 233-8320  
Re: In re the Application of: Koji IKEDA and Kazuyoshi SHIBATA  
Serial No.: 10/046,331 Art Unit: 2834  
Date Filed: January 14, 2002 Conf. No. 2811  
Title: PIEZOELECTRIC/ELECTROSTRRICTIVE DEVICE AND METHOD OF PRODUCING THE SAME

Our Docket No.: 796\_009

You should receive 3 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

### **COMMENTS:**

I hereby certify that the following paper(s) is/are being facsimile transmitted to Examiner Jaydi A. Aguirrechea at (703) 872-9318 at the Patent and Trademark Office on May 19, 2003:

	<u>Paper</u>	<u># of Pages</u>
1.	Response to Restriction Requirement .....	2
	Total Pages (including cover page)	3

A handwritten signature in black ink, appearing to read "Elizabeth A. VanAntwerp".  
Elizabeth A. VanAntwerp

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***Before Final - Official***

**Practitioner's Docket No.: 796\_009**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Koji IKEDA and Kazuyoshi SHIBATA

Ser. No.: 10/046,331

Art Unit: 2834

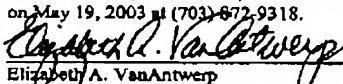
Filed: January 14, 2002

Examiner: Jaydi A. Aguirrechea

Confirmation No.: 2811

For: **PIEZOELECTRIC/ELECTROSTRICTIVE DEVICE AND METHOD OF  
PRODUCING THE SAME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>CERTIFICATION OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 19, 2003 at (703) 672-9318.	
 Elizabeth A. VanAntwerp	

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action mailed May 6, 2003, applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (claims 1-17) in this application.

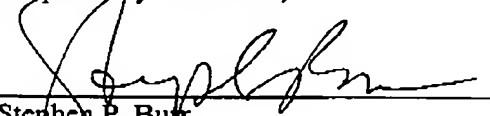
However, applicants respectfully traverse the restriction requirement since the subject matter of claims 1 - 25 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in

order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

  
\_\_\_\_\_  
Stephen P. Burr  
Reg. No. 32,970

SPB/eav

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